



# ***GREEN LAKE COUNTY***

*571 County Road A, Green Lake, WI 54941*

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**Original Post Date: 12/01/17**

**Amended\* Post Date:**

**The following documents are included in the packet for the Administrative Committee on December 4, 2017:**

- 1) Agenda
- 2) Budget Adjustment
- 3) County Board Rules of Order Draft #3



# GREEN LAKE COUNTY OFFICE OF THE COUNTY CLERK

Elizabeth Otto  
County Clerk

Office: 920-294-4005  
FAX: 920-294-4009

## *Special Administrative Committee Meeting Notice*

**Date: December 4, 2017 Time: 6:00 PM**  
**Green Lake County Government Center,**  
**County Board Room, 571 County Rd A, Green Lake WI**

### Amended AGENDA\*

**Committee  
Members**

*Harley Reabe, Chairman*  
*Nick Toney, Vice-Chair*  
*Robert Lyon*  
*Michael Starshak*  
*Paul Schwandt*  
*Vacant*

*Elizabeth Otto, Secretary*

1. Call to Order
2. Certification of Open Meeting Law
3. Pledge of Allegiance
4. Agenda
5. Budget Adjustment\*
6. County Board Rules of Order
7. Committee Discussion
  - Future Meeting Dates: January 29, 2018 at 6:00 pm
  - Future Agenda items for action & discussion
8. Adjourn

Kindly arrange to be present, if unable to do so, please notify our office. Sincerely, Elizabeth Otto

**Please note: Meeting area is accessible to the physically disabled. Anyone planning to attend who needs visual or audio assistance, should contact the County Clerk's Office, 294-4005, not later than 3 days before date Of the meeting.**

# GREEN LAKE COUNTY

## Notice of Budgetary Adjustment

### Unanticipated Revenue or Expense Increase or Decrease Not Budgeted

Date: November 30, 2017  
 Department: Corporation Counsel  
 Amount: \$71.46  
 Budget Year Amended: 2017

Source of Increase / Decrease and affect on Program:  
 (If needed attached separate brief explanation.)

Transfer between line items for conference attendance mileage and parking reimbursement.  
Attended a free continuing legal education seminar in downtown Milwaukee.

**Revenue Budget Lines Amended:**

Account #	Account Name	Current Budget	Budget Adjustment	Final Budget
				\$ -
				\$ -
				\$ -
				\$ -
Total Adjustment			\$ -	

**Expenditure Budget Lines Amended:**

Account #	Account Name	Current Budget	Budget Adjustment	Final Budget
17-100-03-51320-325-00	Conferences/Seminars	\$ 700.00	\$ (71.46)	\$ 628.54
17-100-03-51320-330-000	Travel	\$ 500.00	\$ 71.46	\$ 571.46
				\$ -
				\$ -
				\$ -
				\$ -
Total Adjustment			\$ -	

Department Head Approval: Dawn M. Klechow 11/30/17

Date Approved by Committee of Jurisdiction: \_\_\_\_\_

*Following this approval please forward to the County Clerk's Office.*

Date Approved by Finance Committee: \_\_\_\_\_

Date Approved by County Board: \_\_\_\_\_

*Per WI Stats 65.90(5)(a) must be authorized by a vote of two-thirds of the entire membership of the governing body.*

Date of publication of Class 1 notice of budget amendment: \_\_\_\_\_

# Budget Adjustment

## Purpose

To comply with State Statute 65.90 (5)

## Policy

A budget adjustment should be made when increasing /(decreasing) both your revenue budget and expenditure budget. These changes come from new grants or changes in grant monies, transfers from sources in the county outside a department's original budget, etc. No budget line item should exceed the adopted budget at any time during a fiscal year.

## Procedure

To initiate a budget adjustment, the department head shall notice the review, discussion & action of this completed & signed form on the next monthly meeting agenda of their committee of jurisdiction. If the Budgetary Adjustment is approved by the committee of jurisdiction the signed copy of this form along with a copy of the meeting minutes shall be forward to the County Clerk to be noticed on the Finance Committee agenda for review, discussion & action.

Upon Finance Committee approval the signed Budgetary Adjustment form shall be forwarded to the County Clerk to be notice on the County Board agenda for review, discussion and action.

Per WI Stats 65.90(5)(a) the Budgetary Adjustment must be authorized by a vote of two-thirds of the entire membership of the County Board.

A department representative must be available at each meeting to address any questions or concerns that may arise during review and discussion.

## Chapter 9. Board of Supervisors

### Article I. General Procedures

#### § 9-1. Membership; terms of office; compensation; vacancies.

Green Lake County is a self-organized county under the provisions of §59.10(1), Wis. Stats. The following special provisions shall apply:

A. The County Board shall consist of 19 Supervisors, each representing a proportionate population district as determined by the most recent census. Current districts and representation shall remain in effect until redistricting has been accomplished.

B. Supervisors' terms of office shall be two years, and Supervisors shall be elected at the election to be held on the first Tuesday in April in even-numbered years and shall take office on the third Tuesday in April following their election.

C. Compensation of Supervisors shall be as set forth in Green Lake County Resolution No. 37-95 and/or succeeding resolutions regulating such compensation. Members shall receive meeting payments and reimbursement for mileage as fixed and allowed by the County Board for all committees. Meeting payments, exclusive of travel, shall not exceed \$1,500 per member, per committee, annually.

D. In the event of a vacancy on the Board, the Board Chair, with the approval of the Board, shall appoint a person who is a qualified elector and resident of the supervisory district to fill the vacancy for the unexpired portion of the term to which the person is appointed and until his or her successor is elected and qualified.

#### § 9-2. Reimbursement for expenses.

The method of payment and reimbursement for all authorized expenses to all members of the County Board of Supervisors, elected officials of Green Lake County, and citizens appointed to committees, boards and/or commissions conducting business on behalf of Green Lake County shall be as follows:

A. Claims shall be submitted to the County Clerk's office not later than 9:00 a.m. of the morning following a County Board meeting on a form provided by the office for that purpose. Claims must be substantiated by minutes or a roll call sheet for each meeting attended or action performed which would result in a meeting payment. A receipt from the provider, indicating the amount and date of the expense, must substantiate expenses but reimbursements shall be limited to the amounts authorized by County ordinance and resolutions.

B. The County Clerk's office shall prepare a payroll request for each Supervisor, listing each meeting/action for which payment is claimed as well as reimbursement for mileage, meals consumed outside Green Lake County while on County business, lodging costs (if not otherwise paid for by the County), registration fees (if paid by the Supervisor), parking fees, and similar expenditures made in the course of County business. Receipts must be provided for all reimbursements other than mileage.

C. The County Clerk's office shall also prepare a voucher for each elected official or lay member of a County-appointed committee, board or commission listing all claims for reimbursement, such as mileage, lodging costs (if not otherwise paid by the County), meals, registration fees (if paid by the claimant), parking fees, and similar expenditures made in the course of effecting County business. Receipts must be provided for all reimbursements other than mileage.

D. Overlooked or otherwise delayed claims shall be made within one year of the date of original entitlement. Any request for a variance of this rule shall be made to the Finance Committee in writing, stating cogent reasons therefor.

F. The County Clerk shall annually, not later than the February meeting of the County Board of Supervisors, provide a written report of the payment made to each person entitled to the same under the provisions of this chapter, listing the amounts received as meeting payments, the amounts received as reimbursement for allowed expenses and a total of the amounts received. Such report shall also be provided to the official newspaper for publication therein.

#### § 9-3. Automobile mileage reimbursement.

A. Automobile mileage shall be reimbursed at the rate established by the Federal Internal Revenue Service (IRS) as allowable for full deduction on income tax returns for all miles driven on County business, with all adjustments to said rate being made in accordance with subsequent IRS adjustments.

B. Evidence of automobile liability insurance must be produced as set forth in Green Lake County Resolution No. 432-91 and/or succeeding resolutions regulating such insurance.

#### § 9-4. Regular meetings.

The regular meetings of the Green Lake County Board of Supervisors may be held in the County Courthouse in the City of Green Lake at 6:00 p.m. on the third

Tuesday of each month. County Board meetings will not ordinarily be held in January and July Any meetings can be canceled, scheduled or rescheduled by the County Board Chair as needed.

§ 9-5. Annual meeting.

The annual meeting of the Green Lake County Board of Supervisors shall be held in the County Courthouse in the City of Green Lake at 6:00 p.m. on the Tuesday following the second Monday in November of each year for the purpose of transacting such business as the adopting of a budget.

§ 9-6. Organizational meeting.

A. The organizational meeting of the Green Lake County Board of Supervisors shall be in the County Courthouse in the City of Green Lake at 9:00 a.m. on the third Tuesday in April of each year.

B. To begin the organizational meeting during even-numbered or supervisory election years, the County Clerk shall call the meeting to order, call the roll, establish a quorum, and proceed with ceremonies to swear in and seat the newly elected Supervisors. The County Board shall then proceed to elect a County Board Chair. Then the County Clerk shall turn the meeting over to the Chair, and the County Board shall proceed to elect a Vice Chair. The Chair and Vice Chair shall each serve for a two-year term, commencing in April in even-numbered years. The Chair shall then proceed with organizational direction for the coming year.

C. To begin the organizational meeting in odd-numbered years, the Chair shall call the meeting to order, the County Clerk shall call the roll and establish a quorum, and the Chair will proceed with organizational direction to committees for the coming year.

§ 9-7. Powers and duties of Chair.

A. The County Board Chair appoints all standing committees, boards, and commissions, not required by statute to be appointed by the County Administrator, and subject to the approval of the County Board.

(1) In even-numbered years, the County Board Chair is authorized to appoint members of all standing committees, boards and commissions by 12:00 noon on the Friday following the annual organizational meeting of the County Board. All terms shall be for two-years, unless otherwise provided in these rules or state statute. The County Clerk's office will send out the committee appointments to

all Supervisors on that Friday. No appointed committee meetings will be held for one week (seven days) after adjournment of the County Board organizational meeting. Committees shall elect their officers at their first meeting. Appointments of appointed committee members shall be confirmed by the County Board at the following May meeting.

(2) The County Board Chair may appoint a Committee on Committees to assist him/her in making appointments but may not delegate appointment of committee members to a committee of the Board [§ 59.13(1), Wis. Stats., and 61 Attorney General 214].

(3) The County Board Chair shall be an ex officio member of all County Board Committees and in the absence of a committee member may attend to create a quorum and vote on matters before the committee.

B. The County Board Chair may call Supervisors to attend any meetings pertaining to County affairs, which may arise between regular Board meetings. Members attending shall be paid their actual and necessary expenses in addition to meeting payments. The County Board Chair may appoint special committees from time to time, with the approval of the County Board.

C. After election to a committee, if a Supervisor determines that he/she cannot serve on that committee, the County Board Chair shall declare the position vacant and appoint a Supervisor to fill the vacancy before the next regular County Board meeting. Only by appointment by the Chair may a Supervisor serve on two elected committees. Supervisors may not serve on more than two elected committees.

#### § 9-8. Presiding officers.

The Chair or, in the Chair's absence, the Vice Chair shall call each monthly or special meeting of the County Board to order and direct the Clerk to call the roll of membership. In the absence of both the Chair and Vice Chair, the County Clerk shall preside until a Chair Pro Tem is elected. A Chair and a Vice Chair shall be elected by the members of each elected committee. Either the Chair or the Vice Chair shall be sure to make him/herself available for all regular committee meetings. If a committee determines that it is necessary, it may also elect a Secretary. All officers must be recorded with the County Board Chair and the County Clerk as soon as possible after their election.

#### § 9-9. Order of business.

A. Upon establishment of a quorum, defined as a majority of the members of the County Board present at a roll call, the minutes of the preceding meeting shall be

acted on by the Board. Any mistakes therein shall be corrected by the Board. After the reading and correction of the minutes, the order of business shall be as follows:

- (1) Announcements.
- (2) Appearances.
- (3) Correspondence.
- (4) Resolutions.
- (5) Ordinances.
- (6) Reports.
- (7) Hearings.
- (8) Appointments.
- (9) Elections.
- (10) Committee reports.
- (11) All other matters authorized by law.

B.. The Chair shall preserve order and decide questions of order, subject to an appeal to the Board, and shall clearly and distinctly state every motion or question before debate and announce the result of all votes taken.

§ 9-10. Resolutions, ordinances, petitions and reports.

A. All resolutions, ordinances, petitions, and reports shall be delivered to the County Clerk's office by 4:30 p.m. on the Wednesday preceding the County Board meeting. Every written resolution ~~or~~ ordinance shall be typed in block style on the appropriate form and be as concise as possible and shall have attached thereto the names of the persons or committee introducing it and a fiscal note, any time expenditures are increased or decreased, ~~and signed by at least one County Board Supervisor~~. When such a resolution/ordinance is referred to a committee, such committee shall report its findings with the members' names endorsed thereon. ~~The Corporation Counsel will check all resolutions, petitions, and ordinances prior to introduction to the committee of jurisdiction and the Board, and shall so indicate on their face.~~

**Commented [KD1]:** I left the changes in this paragraph because I'm not sure they were accepted.

**Commented [KD2]:** Inserted this language per the committee's request to have corp counsel review before going to committee. It makes sense to include the Board as well.

B. Every motion or amendment shall be reduced to writing by the presenting Supervisor when a request therefor shall be made by any Board member. All petitions, memorials, and substitutes shall be reduced to writing and read by the Clerk before they shall be considered by the Board.

§ 9-11. Right to vote and order of voting.

The Chair of the Board of Supervisors shall be entitled to vote on all questions taken by aye, nay or abstain; the Chair votes for the district the Chair represents.

When the vote on any question is a tie it shall be lost, but any member on either side of the question may present the same question again at such time provided by the rules.

§ 9-12. Privilege of speaking and Decorum.

•A. Every member, prior to speaking, shall raise their hand (or use the Roll Call Vote system) to indicate the desire to speak, address the Chair, and be recognized by the Chair. When two or more members raise their hands at once, the Chair shall designate the member who is to speak first.

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B. The County Board Chair may not be involved in debate. If the County Board Chair is called out of order by a Board member for this reason, the Chair shall cease speaking and shall not be allowed to proceed in the debate without permission of the Board.

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C. Every member shall limit his or her statements to the pending question before the Board and such statements should have bearing on whether the pending motion should be adopted or rejected.

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D. Every member should not attack or question the motives of another member.

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E. Every member should address his or her remarks through the County Board Chair and shall not address another member directly. Members should not discuss business before the Board or a Committee between themselves and should speak on a motion before the Board after obtaining the floor.

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•F. No member may speak against his or her own motion. A member is not required to speak on his or her motion, but if chooses to speak, he or she must take a favorable position.

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§ 9-13. Voting and roll call.

A. A vote on any question shall be taken by ayes and nays, but members may vote to abstain when polled. A roll call shall be taken on all resolutions, ordinances, and all questions involving the expenditure of money. Whenever a vote istaken, the names of those voting in a minority position on the question will be recorded in parentheses following the numerical listing of that vote total.

B. An affirmative unanimous oral vote shall be considered and recorded as an affirmative unanimous roll call vote.

§ 9-14. Precedence of motions.

A. When a motion is under consideration, no other motion shall be entertained except:

- (1) Fix the time to which to adjourn
- (2) To adjourn.
- (3) To recess.
- (4) Raise a question of privilege
- (5) Call for the orders of the day
- (6) To lay on the table.
- (7) For the previous question.
- (8) Limit or extend limits of debate
- (9) To postpone to a day certain.
- (10) To commit to a committee.
- (11) To amend or to substitute.
- (12) To postpone indefinitely

B. These several motions shall take precedence in the order in which they stand in this section.

§ 9-15. Non-debatable motions.

A motion to adjourn, to lay on the table, and for the previous question shall be decided without debate, except as hereinafter provided. It shall not, however, be in order to move to table a motion or resolution until after the author of the motion or resolution has been given an opportunity to speak on his motion or resolution.

§ 9-16. Motion to postpone.

A motion to a day certain shall not again be entertained until the next County Board meeting.

§ 9-17. Substitute proposal.

A substitute shall be open to amendment the same as the original proposition but when adopted shall not be subject to amendment. If an amendment or substitute is lost, another substantially the same shall not be entertained.

§ 9-18. Reconsideration.

Once a motion or question has been determined, any member voting with the prevailing side may move a reconsideration of the vote, but such motion shall be made and acted upon at the same or next succeeding meeting (properly noticed under open meetings law).

~~§ 9-19. Previous question.~~

~~The previous question may be moved by any member. When the previous question is called, the Chair shall state, "Since it requires five members to second this motion, those in favor of sustaining the motion shall raise their hands." If five or more members then raise their hands, the previous question is seconded and an opportunity is given to any two members opposed thereto to briefly state their objections. The question shall be, "Shall the question now be put?" If carried by a vote of 2/3 of the members present upon a call of ayes and nays, the Board shall immediately proceed to vote upon the pending amendment, if any, and then upon the main question.~~

§ 9-~~20~~19. Suspension of rules.

Any of these rules, except § 9-~~28~~27, may be suspended by a two-thirds vote of the members present. A motion to suspend appropriate rules shall be in order.

§ 9-~~21~~20. Rules of procedure.

The rules of parliamentary procedure comprised in the current edition of Robert's Rules of Order, so far as they remain in common use and are practicable, applicable, and not inconsistent with these rules, shall govern the Board.

§ 9-~~22~~21. Committee of the whole.

Whenever the Board has been a committee of the whole and is again seated in regular session, it may at once take up and act upon the report of the committee of the whole before the transaction of any other business.

§ 9-~~23~~22. Publication of reports.

Reports presented to the County Board shall be mentioned in the Board proceedings unless specifically directed by the County Board.

§ 9-~~24~~23. Written agenda.

A. County Board. The County Clerk is hereby authorized and instructed to prepare a written agenda before each County Board meeting and deliver it to each Supervisor and the official County paper and other news media, which request written agendas, except when the Board is in continuous session. All members and committees of the County Board, County employees, and elected officials shall cooperate with the County Clerk by having reports, resolutions, or other matters to be placed on the agenda, or an explanatory notice thereof, in the office of the County

**Commented [KD3]:** This section is the election of members for the elected committees. I would like to verify that this is what is intended here or if there is a different rule intended that cannot be suspended. §9-28 happens once every two years.

**Commented [KD4]:** Renumbered due to eliminating §9-19 Previous Question

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Clerk at least seven days prior to such meeting, with all agenda items approved by the County Board Chair.

**Commented [KD5]:** Committee will revisit this section at the 11/6/2017 meeting.

~~1-B. Committees. The County Clerk or designee is hereby authorized and instructed to prepare a written agenda before each committee meeting and deliver it to each committee member, the official County newspaper, and other news media that have requested written agendas. All members of committees, County employees and elected officials shall cooperate with the County Clerk by having reports, resolutions or other matters to be placed on the agenda, or an explanatory notice, in the office of the County Clerk at least seven days prior to the meeting. All written agendas for committee meetings shall follow a format approved by the Administrative Committee.~~

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§ ~~9-25~~24. Notice of committee meetings.

A. A bulletin board outside the office of the County Clerk will display a list of all committees of the County Board, and the time and place of all regular meetings shall be shown thereon. The County Clerk shall keep this information current.

B. In emergencies, when a committee meeting must be held with less than 24 hours' notice, the official County paper and other news media which request notice must have at least two hours' notice.

§ ~~9-26~~25. Adoption and amendment of rules.

Rules of the County Board shall be adopted at the organizational meeting of the County Board by majority vote of those present and shall only be amended during the two-year term by a three-fourths vote of those present at a meeting, and such rules shall govern the Board until altered or repealed.

§ ~~9-27~~26. Special committees and boards.

The County Clerk shall publish the official directory each year and it shall contain information on special committees, boards, and commissions appointed by the County Board Chair, the County Administrator and approved by the County Board.

Article II. Elected Committees

§ ~~9-28~~27. General requirements.

A. There shall be three committees whose members are elected by the County Board. The elected committees are the Highway Committee, Agriculture-Extension Education and Fair Committee, and Judicial/Law Enforcement and

Emergency Management Committee. Regular meeting of elected committees shall be held each month at a time and place as advertised by the committee. Special meetings shall be held as determined necessary by the committee and shall be duly advertised. ~~Also, if the County Board Chair is available, he or she would be eligible to serve as an alternate member to form a quorum for the regular conduct of business.~~

**Commented [KD6]:** See §9-7 (A)3. This language was placed in that section; therefore, this sentence may be removed from this section

B. Committees shall keep appropriate minutes of all actions taken at their meetings. All minutes shall be placed on the County website within three (3) business days of the meeting at which the minutes were taken. ~~They~~ Committee chairs shall present reports to the County Board on request.

**Commented [KD7]:** This was discussed at the 10/16/2017 meeting and I placed appropriate language here for the committee's consideration.

~~DC.~~ Each committee shall elect its own officers unless said elections are inconsistent with federal or Wisconsin laws.

§ ~~9-2928.~~ Highway Committee.

A. The Highway Committee consists of ~~four~~ five members elected at the organizational meeting of the County Board in even-numbered years. The Supervisors elected to the Highway Committee shall serve two years or until a successor has been elected or appointed.

**Commented [KD8]:** Changed per the Committee's direction on 10/16/2017.

§ ~~9-3029.~~ Agriculture-Extension Education and Fair Committee.

A. The Agriculture-Extension Education and Fair Committee shall consist of five Supervisors who shall be elected at the organizational meeting of the County Board in even-numbered years. Each Committee member shall serve a term of two years.

B. Section 59.56, Wis. Stats., governs the powers, duties and responsibilities of this Committee. This Committee shall serve as the governing committee for the University of Wisconsin - Extension Department, its agents, the Cooperative Extension Education Program, and the County Library Services.

C. For the purposes of § 59.56(3)(g), Wis. Stats., the university extension program shall be a department of County government, and the Agriculture-Extension Education and Fair Committee shall be the committee which is delegated the authority to direct and supervise the department.

D. Program functions are established under § 59.56(3)(f), Wis. Stats., and authorization is given to this Committee to direct, conduct and supervise these programs.

- E. Professionally qualified persons shall be hired by ~~this the UWEX Search and Screen~~ Committee to staff the university extension office and to implement an extension education program in the County. ~~The Search and Screen Committee shall be comprised of the UWEX Area Extension Director, the County Administrator, the County HR Coordinator, the Chair of the Agriculture-Extension Education and Fair Committee or designee and the County Board Chair or designee.~~ Vacancies and additions to staff shall be hired in cooperation with the University of Wisconsin - Extension, Cooperative Extension Service. Persons so hired under cooperative agreements and approved by the University of Wisconsin Board of Regents shall be considered employees of both Green Lake County and the University of Wisconsin - Extension.
- F. The Agriculture-Extension Education and Fair Committee may enter into joint agreements with the University of Wisconsin - Extension or with other counties and university extension if County funds committed in such agreements have been appropriated by the County Board. ~~The County Administrator is authorized to execute such agreements and Copies-copies~~ of such agreements will be filed in the County Clerk's office.
- G. The Agriculture-Extension Education and Fair Committee shall administer and maintain those items as listed in the fair inventory of the Green Lake County Junior Free Fair as filed annually with the office of the Green Lake County Clerk and for the purposes of administration shall be the governing Board of Directors for the Green Lake County Junior Free Fair. The Committee shall work in cooperation with the University of Wisconsin - Extension Office in coordinating activities relating to the County Fair. Section 59.56(14), Wis. Stats., Fairgrounds and Fairs, § 93.23, Wis. Stats., Local Fairs, and Ch. ATCP 160, Wis. Adm. Code, shall govern the powers, duties, and responsibilities of the Fair Board, state aids, premium lists, fair rules, regulations and financial reporting.
- H. The Agriculture-Extension Education and Fair Committee shall have the power and duty to manage and maintain the fairgrounds during the Green Lake County Junior Free Fair. The Committee shall have the authority to contract entertainment services. The Committee shall have the authority to contract services and/or hire such personnel as it deems necessary for the adequate management and maintenance of said facilities and grounds (in preparation for and during the fair and cleanup) within the limit of funds appropriated for this purpose by the County Board, state aid, donations and grants.
- I. The Board of Directors shall submit an annual financial report to the Department of Agriculture, Trade and Consumer Protection in a format as required by Sec. ATCP 160.92, Wis. Adm. Code. Publication of the financial

**Commented [KD9]:** Changes in the UW-Ext system require a change to this rule per Cathy on 10/16/2017.

**Commented [KD10]:** See comment for paragraph E. above.

report shall be in accordance with Sec. ATCP 160.92(6), Wis. Adm. Code, and § 93.23(1)(a) to (i) and Ch. 985, Wis. Stats.

§ ~~9-31~~30. Judicial/Law Enforcement and Emergency Management Committee.

**Commented [KD11]:** Committee to begin review on 11/6/2017 at this section.

A. The Judicial/Law Enforcement and Emergency Management Committee shall consist of ~~four members~~ elected at the organizational meeting of the County Board in even-numbered years. The Supervisors elected to the Judicial/Law Enforcement and Emergency Management Committee shall serve for two years or until a successor has been elected or appointed.

**Commented [KD12]:** I suggest five members to avoid the possibility of tie votes and unintentional walking quorums.

B. The Judicial/Law Enforcement and Emergency Management Committee shall have the powers, duties and responsibilities required by ~~Ch. 166 Wis. Stat. §323.14(1)(a)3,~~ Wis. Stats. ~~During any declared emergency, the County Sheriff shall be in complete command of all emergency units, including communications.~~

**Commented [KD13]:** I believe this duty belongs to the emergency management director under the statutes. Since the county board appointed one with a term to end in 2020, this sentence should be stricken.

C. The Judicial/Law Enforcement and Emergency Management Committee will be the governing committee for the following departments ~~to the extent allowed by Wisconsin Statutes and common law:~~

**Commented [KD14]:** All but #'s 7-9 are elected officials and a county board committee is limited on the direction it can give to another elected official. Some statutes require an elected official to perform a duty which is ministerial and not subject to regulation or discretion. The court reporter is a state employee, and therefore the committee would have no authority to supervise him/her.

- ~~(1) Child Support.~~
- ~~(2) (1) Clerk of Circuit Court.~~
- ~~(3) (2) District Attorney.~~
- ~~(4) (3) Sheriff's Department.~~
- ~~(5) (4) Register in Probate.~~
- ~~(6) (5) Circuit Court Judge.~~
- ~~(7) (6) Coroner.~~
- ~~(8) (7) Family Court Commissioner.~~
- ~~(9) Court Reporter.~~
- ~~(10) (8) Emergency Management.~~

**Commented [KD15]:** Child Support was merged with Economic Support under DHHS.

D. It shall be the responsibility of the Judicial/Law Enforcement and Emergency Management Committee to establish policy and procedures and assist the department heads ~~listed in paragraph C. above, to correlating and harmonizing~~ correlate and harmonize all phases of law enforcement in Green Lake County, including support of the department heads ~~listed in paragraph C. above,~~ in performing their principal duties under Wisconsin Statutes.

E. ~~The Judicial/Law Enforcement and Emergency Management Committee shall work with the department heads in the development of training programs and special educational programs that will permit the department heads and their personnel to more efficiently perform their duties.~~

**Commented [KD16]:** This is now the responsibility of the County Administrator.

F. In addition to such general duties and responsibilities, the Judicial/Law Enforcement and Emergency Management Committee is specifically authorized and empowered to perform the following duties:

~~(1) The Committee shall work with the Sheriff in the development of a preemployment testing program for applicants seeking employment with the Sheriff's Department. In appointing and hiring personnel, the Sheriff, or someone acting on his or her behalf, shall do the necessary preemployment testing of applicants for a position. The Sheriff, after the preemployment testing has been completed, shall provide the Judicial/Law Enforcement and Emergency Management Committee with the top six applicants having the highest rating based on the preemployment tests conducted by the Sheriff. The Judicial/Law Enforcement and Emergency Management Committee shall interview the six applicants and shall decide who shall be hired for the position. In case of a tie vote, the Sheriff shall be allowed to vote to break the tie.~~

**Commented [KD17]:** I believe that this is now the responsibility of the County Administrator in conjunction with the Sheriff.

~~(2) The Committee shall work with all other departments during the screening and appointment of new personnel.~~

**Commented [KD18]:** This is a county administrator responsibility.

~~(3)~~ (1) The Committee shall review the rules developed by the Sheriff relating to the conduct of law enforcement personnel and the performance of their duties and the established hours of employment.

~~(4)~~ (2) Once each year, the Chair of the Committee and the Sheriff shall schedule a special meeting for the examination and inspection of all equipment being used in the operation of the Sheriff's Department and at that time determine the needs for the coming year, prior to preparing the department budgets. The Committee, along with the Sheriff, shall make an impromptu examination of the menu being served all prisoners and sample the same and also determine the fiscal impact on the Sheriff's Department budget. Once each year, the committee shall inspect the jail as required under Wis. Stat. §59.54(15).

~~(5)~~ (3) The Committee shall have the right to establish the criteria for reports deemed necessary to oversee and advise each department.

~~(6) Once each month the Committee shall receive, audit, and order paid all bills within the limits of funds appropriated by the County Board for that purpose. A special year-end meeting shall be called by the Committee Chair and the department heads to audit and approve for payment final bills for the year.~~

**Commented [KD19]:** The County Administrator is now approving the payments of vouchers and all final bills.

### Article III. Appointed Committees

§ 9-31. General requirements.

A. The County Board Chair shall designate the membership of all appointed committees pursuant to his/her authority under § 9-7, unless the appointment is made by the County Administrator as required under statute. These appointments shall be for a term of two years and shall be confirmed by the County Board.

B. Each committee shall elect its own officers unless said elections are inconsistent with federal or Wisconsin laws.

C. The County Board Chair (or the County Administrator) shall also designate an alternate member for each appointed committee, who shall serve at such time as may be necessary to form a quorum for the regular conduct of business. The Committee Chair or the County Clerk shall notify the alternate member of the need for his/her services.

**Commented [KD20]:** With the County Board Chair being an ex-officio member able to create a quorum, the need for alternate members no longer exists and I would recommend removing this paragraph entirely.

D. Regular meetings of appointed committees shall be held at a time and place as advertised by the committee. Special meetings may be held as determined necessary by the committee and shall be duly advertised.

E. Committees shall keep appropriate minutes of all actions taken at their meetings. All minutes shall be placed on the County website within three (3) business days of the meeting at which the minutes were taken. Committee Chairs shall present reports to the County Board on request ~~and shall prepare an annual budget and submit it to the Finance Committee and the County Board for approval.~~

**Commented [KD21]:** The County Administrator prepares the budget.

§ 9-32. Health and Human Services Board.

A. The Health and Human Services Board shall consist of nine members, five of whom shall be County Board Supervisors ~~elected~~ appointed by the County Administrator and confirmed by the County Board at the organizational meeting of the County Board in even-numbered years and four of whom shall be citizens at large. At least one member shall be an individual who receives or has received human services or shall be a family member of such individual. The remainder shall be consumers of services or citizens at large. No public or private provider of health and human services may be appointed to the County Health and Human Services Board.

B. Citizens at large on the County Health and Human Services Board shall serve for terms of three years so arranged that, as nearly as possible, the terms of 1/3 of the members shall expire each year. Vacancies shall be filled in the same manner as the original appointments. In the event that a County Board

Supervisor (elected for a two-year term) is not re-elected to this position, the County ~~Board Administrator~~ shall fill this vacancy as described above.

C. The responsibilities, powers and duties of the Health and Human Services Board are as follows: to ensure that the Department of Health and Human Services provides programs and services to all County residents as provided and directed by § 46.23 et al., Wis. Stats., and the Wisconsin Administrative Code. The Health and Human Services Board, in conjunction with the Director, ~~and Deputy Director~~, shall develop policy and procedures to be followed in providing services required by appropriate directives ~~on a limited within the Department's~~ budget. ~~The Health and Human Services Board shall govern those programs provided under the auspices of the former Department of Aging, Nursing Department, Department of Community Programs and Department of Social Services.~~ In addition, the Health and Human Services Board shall be the governing committee for the Veterans' Service Office.

Commented [KD22]: This can probably be removed.

D. The ~~Chair of the~~ Health and Human Services Board may, ~~with the approval of the Health and Human Services Board,~~ appoint such subcommittees as may be necessary ~~to effect the orderly transaction of business and operations, such as, but not restricted to, an executive, a finance and a personnel subcommittee for the purpose of receiving community, professional or technical information concerning particular policy considerations.~~ All meetings of any ~~such~~ subcommittees shall be duly advertised and posted in accordance with the open meeting laws, ~~to include including~~ the preparation of an agenda. Minutes shall be kept of any such meetings, and members attending shall receive meeting payments and reimbursement for mileage in accordance with the County resolution pertaining to the same.

Commented [KD23]: Wis. Stat. §46.23(5)(g) allows for subcommittees for these purposes. I do not find authorization for forming other subcommittees. All personnel issues should be handled by the County Administrator in conjunction with the Personnel committee if warranted.

### ~~Article III. Appointed Committees~~

#### ~~§ 9-33. General requirements.~~

~~A. The County Board Chair shall designate the membership of all appointed committees pursuant to his/her authority under § 9-7. These appointments shall be for a term of one year and shall be confirmed by the County Board.~~

~~B. Each committee shall elect its own officers unless said elections are inconsistent with federal or Wisconsin laws.~~

~~C. The County Board Chair shall also designate an alternate member for each appointed committee, who shall serve at such time as may be necessary to form a quorum for the regular conduct of business. The Committee Chair concerned or the County Clerk shall notify the alternate member of the need for his/her services.~~

~~Also, if the County Board Chair is available, he or she would be eligible to serve as an alternate member to form a quorum for the regular conduct of business.~~

~~D. Regular meetings of appointed committees shall be held at a time and place as advertised by the committee. Special meetings may be held as determined necessary by the committee and shall be duly advertised.~~

~~E. Committees shall keep appropriate minutes of all actions taken at their meetings. They shall present reports to the County Board on request and shall prepare an annual budget and submit it to the Finance Committee and the County Board for approval.~~

~~F. The Personnel Committee shall be notified by all committees when holding personnel interviews for hiring so that representation can attend, observe and, if needed, confer.~~

**Commented [KD24]:** The hiring process, including interviews are now under the jurisdiction of the County Administrator

§ 9-~~34~~33. Finance Committee.

A. The Finance Committee shall consist of five Supervisors, one from each of the three elected committees, with the fourth and fifth members being ~~that a~~ Supervisor not on elected to an elected committee, appointed by the County Board Chair and confirmed by the County Board for a one two-year term or until a successor is appointed and confirmed.

B. The powers, duties, and responsibilities of the Finance Committee shall be as follows:

(1) Pursuant to Wisconsin Statute §59.52(12)(a) the committee shall examine and settle all accounts of the County, and all claims and demands against the County that do not exceed \$5,000 and cause to be issued orders therefor.

(2) The Committee shall facilitate the efforts of the County Administrator in the development and submission of the annual County budget with the County Administrator and submit it to the County Board at the annual meeting. Revenues and expenditures proposed by the several committees and departments of County government shall be considered in the preparation of this budget.

(3) The Finance Committee is hereby authorized, pursuant to § 65.90(5)(b), Wis. Stats., to transfer funds between budgeted items of an individual County office or department, if such budgeted items have been separately appropriated. The County Administrator is hereby authorized to approve the transfer of funds between budgeted items of an individual County office or department, if such budgeted items have been separately appropriated and

are in an aggregate amount of \$500 or less. Transfers from the contingency fund shall be processed and approved in the same manner as any budget amendment pursuant to Wis. Stat. §69.90(5)(a).

**Commented [KD25]:** Sections B. 1, 2, & 3. were amended by Ordinance No. 12-2017 on May 16, 2017. The paragraphs appear as amended by Ord. No. 12-2017.

- (4) The Committee shall examine and investigate all requests for County borrowing and submit its recommendations thereon to the County Board at its meeting next following the completion of said investigation.
- (5) The Committee shall direct all office procedures of the County Treasurer, and secure compliance with recommendations made by the State Department of Audit in relation thereto, and shall supervise the investment of all County funds not needed for immediate operation of the County and shall direct the Treasurer with regard to such investments.
- (6) The Committee shall have the authority to designate a representative to monitor and give input to the Personnel Committee during negotiations with labor unions and groups of professional employees.
- (7) The Committee shall perform duties relating to illegal assessments and tax deed lands in accordance with Wisconsin Statutes and County ordinances.
- (8) ~~In the absence of the County Administrator, The the~~ Finance Committee may ~~pay-approve payment of~~ vouchers and/or claims from any committee ~~or department that may not meet monthly~~ to ensure timely payment of bills.
- (9) The Finance Committee shall be the oversight committee of the Economic Development Corporation.

**Commented [KD26]:** I'm not sure about this one. There is only one union active in the County.

**Commented [KD27]:** County Administrator suggested changes that may pass prior to these rules are amended. Also, note that the county administrator approves payment vouchers with the exception of those for county board supervisors and citizen committee members. The finance committee will continue to approve those voucher payments.

C. As relates to the Green Lake County Economic Development Corporation, the Chairperson of the Finance Committee or his/her designee from the Finance Committee shall also serve on the Board of Directors of the Corporation, per Resolution No. 11-90.

§ 9-~~35~~34. Personnel Committee.

- A. The Personnel Committee shall consist of a five-member committee of Supervisors appointed by the County Board Chair for a ~~one~~two-year term and approved by the County Board. The Committee shall be made up of one member from each of the three elected committees, and the fourth and fifth member shall be ~~the individual~~s not ~~elected to~~an elected committee.
- B. The Green Lake County Board delegates to the Personnel Committee full authority to make all decisions relating to management rights/recognition on

behalf of the Green Lake County Board as defined in the employee labor contract.

C. The Personnel Committee, on behalf of Green Lake County, shall negotiate contracts with the several employee labor unions and associations of professional employees, through authority vested by the County Board, with all contracts subject to ratification of the County Board. A copy of all such contracts will be filed with the County Clerk. ~~All committees shall have the authority to designate a committee member to monitor and give input to the Personnel Committee during negotiations with the Courthouse Union and professional employees, if that committee does not have a Personnel Committee member on it.~~

**Commented [KD28]:** There is only one union in the county, so it makes sense to delete this provision.

D. ~~If a department head or Personnel Director is not appointed, the Personnel Committee shall serve in that capacity and shall assist all governing committees in working with the union contracts affecting their departments and hear all grievances at Step 3.~~

**Commented [KD29]:** This paragraph may be obsolete due to there being only one union in the county. If this provision should remain, it should be rewritten for better clarity. We should also check the union contract to see who is the grievance committee.

E. The Personnel Committee shall:

- (1) Establish policies for all County employees, and publish and maintain the County Personnel Policies and Procedures Manual, and Administrative Policy Manual. ~~covering policies, procedures, job classifications and descriptions and salary schedules.~~
- (2) Establish a period of probation for all new employees and employees transferring from one position to another.
- (3) ~~Develop employee performance records in cooperation with department heads and work with all departments in resolving employee complaints.~~
- (4) ~~Assist in the implementation of discipline, such as reprimand, suspension, or discharge. Procedures shall be established for presentation of charges, hearings, and appeals for all permanent employees in the service of Green Lake County.~~
- (5) ~~Be notified by all committees holding personnel interviews for hiring so that representation of the Personnel Committee can attend, observe and, if needed, confer with the committee.~~
- (6) ~~Assist the governing committee with the recruiting, screening, interviewing, hiring and/or disciplining of all management level personnel. "Management level" is defined as a nonelected position responsible for the direction of a department or a major subunit of the same, with Nursing and Fox River Industries being examples of the latter. A member of the Personnel~~

~~Committee must be in attendance at all meetings convened for the purpose of hiring.~~

**Commented [KD30]:** Hiring, firing and discipline now fall under the jurisdiction of the County Administrator.

- (7) All personnel matters needing County Board approval shall be submitted by the governing committee with “recommendation of approval or disapproval of the Personnel Committee” being indicated on the resolution.

**Commented [KD31]:** This paragraph creates confusion because it appears to conflict with the Administrative Policy Manual’s new position creation process. The Admin. Policy Manual is an Ordinance as are the County Board Rules. It is reproduced below . . .

§ 9-~~36~~35. Property and Insurance Committee.

A. The Property and Insurance Committee shall consist of five Supervisors, one from each of the ~~three~~ elected committees, with the ~~fourth and fifth members~~ being ~~that a~~ Supervisor not ~~elected to an~~ elected committee. ~~Committee members shall be~~ appointed by the County Board Chair and confirmed by the County Board for a ~~one~~two-year term or until a successor is appointed and confirmed.

2. Process for Creating a New Position. The creation of a new position shall originate from the governing committee of the Department wishing to create the position. The Department Head shall prepare a proposal which contains the position title, any applicable departmental classification, the rationale for its creation, any applicable state or federal mandates that may have caused the need for the new position, a description of how the position fits into the plans of the department; all anticipated salary, fringe benefits, and other related costs. Other pertinent information including budget impact shall also be identified in the proposal. The proposal shall include the proposed job description for the position. The Department Head shall submit the proposal to the County Administrator. Once the County Administrator has approved the new position, it shall be referred to the governing committee for its approval. Upon approval, County Administrator shall submit the proposal to the Personnel Committee. If the Personnel Committee approves the position, the proposal will be submitted to the Finance Committee if the position is being created during a budget year or directly to the County Board for final approval. If the position is approved by the Finance Committee (to the extent that such approval is required), the position will be submitted from the Finance Committee to the County Board for final approval.

B. The powers, duties, and responsibilities of the Property and Insurance Committee shall be as follows:

(1) ~~The Committee shall maintain and keep an inventory of all items of furniture, fixtures, and general and specialized equipment used in all County operations along with an inventory of surplus equipment. The Committee shall have the authority to determine if surplus equipment is to be serviced and stored for future use or disposed of disposal.~~

(2) ~~The Committee shall maintain the physical plants of the County Courthouse, Health and Human Services Center, Safety Building, highway buildings, outbuildings on County premises and maintain the yards, walks, and parking lots adjacent thereto and plan, develop and supervise all new construction and renovation unless a specific building committee is appointed by the County Board.~~

**Commented [KD32]:** This may be a County Administrator duty.

(a) ~~The maintenance of park buildings and other permanent structures, including playground equipment, is under the maintenance direction of the Property and Insurance Committee. The County Maintenance Department personnel shall also be responsible for solid waste removal at the parks and the hygiene of rest room facilities. A limited-term summer parks maintenance worker may be hired annually to assist with summer maintenance work.~~

**Commented [KD33]:** This whole section should be rewritten for better flow and clarity. There is unnecessary repetition and redundancy.

(b) ~~The Property and Insurance Committee shall have the power and duty to develop, manage and maintain the grounds of the County parks system. The County parks system includes any designated park, access to lakes~~

and streams, public recreational trails, and any other park or recreation project that is owned by the County and approved by the County Board.

**Commented [KD34]:** Wis.Stat.§27.019(4) requires a rural planning committee which has strict membership guidelines, in a county without a parks commission. Based upon the membership requirements of the rural planning committee, the P&I Committee probably cannot be responsible for maintaining the parks. We should think about creating a parks commission or a rural planning committee under Ch. 27

(c) The County Maintenance Department shall perform grounds maintenance: lawn mowing, brushing, spring and fall opening and closing of park grounds, maintenance of picnic tables, piers and fences, and other grounds-related maintenance functions. This work will be done under the direction of the Property and Insurance Committee.

(d) The Property and Insurance Committee shall have the duty and responsibility of developing, coordinating, and updating the five-year Parks and Recreation Plan and any other plan for recreational development in Green Lake County in cooperation with the Department of Natural Resources. Plans shall be developed by the Resource Agent at the direction and approval of the Committee. All plans shall be submitted to the County Board for final approval.

**Commented [KD35]:** Who is the "Resource Agent"?

**Commented [KD36]:** See comment for (b) above

(e) For acquiring, developing and maintaining the parks and any other recreational project, whenever possible the Committee shall make application for grants and aids from the state and federal fish and game funds, outdoor recreation aids, land and water conservation funds, Waterways Commission funds, stewardship funds, and any other such fund available for park, trail or project acquisition and development. Application for the above-mentioned funds shall be done by the University of Wisconsin — Extension Resource Development Educator at the direction and approval of the Committee.

**Commented [KD37]:** See comment for (b) above

(f) For acquiring, developing and maintaining snowmobile trails whenever possible, the Committee shall make application for grants and aids from the state and federal snowmobile maintenance funds.

(3) The Committee shall supervise the duties of the Purchasing Agent and exercise exclusive control over the purchase procedure for furniture, fixtures, and general depreciable office equipment, vehicles, and machinery used in County service. Items of lesser value but costing more than \$1,000 shall have a minimum of two invitational bids, unless provided by sole vendor, submitted to the appropriate governing committee for approval. Items costing more than \$1,500 will be approved by the governing committee and then sent to the Property and Insurance Committee for approval. Any single item costing in excess of \$5,000 shall be placed on advertised bids if required by state statutes or otherwise by invitational bid. All purchases under Class B, C, D, F and G need to have two competitive bids and on the County purchase approval form. The Purchasing Agent is required to retain the competitive bids for at least two years. A written statement will need to be submitted

**Commented [KD38]:** The purchasing guidelines should be removed from the rules and placed in a purchasing policy that is under the control and purview of the P&I Committee. Then this rule section can be shorter and the policy can be amended by resolution rather than by changing the ordinance. Unless the Board prefers that we have a purchasing ordinance. It can be done either way.

with the purchase approval form showing justification if the lowest bid is not selected. If procedures are not followed disciplinary action may be taken.

(4) Purchasing procedures.

(a) All items purchased and services requested will have adequate funding in a department's annual budget, and the responsibility for not exceeding existing appropriations rests with the department making the requisition, not with the purchasing agent.

[1] Purchases of various materials for Green Lake County are hereby divided into seven classes:

[a] Class A items consist of consumable office supplies which can be routinely stocked by the Purchasing Agent, such as pencils, pens, tape, note pads, etc. The Purchasing Agent has the authority to approve all central store inventory purchases. Class A items will be purchased by all departments through the office of the Purchasing Agent pursuant to procedures established by the Property and Insurance Committee.

[b] Class B items are materials used by up to several departments and purchased annually or less frequently and shall consist of capital items, including but not limited to desks, chairs, office machines, file cabinets, etc. Class B items will be acquired for the departments by the Purchasing Agent under the direction and supervision of the Property and Insurance Committee pursuant to procedures established by the Property and Insurance Committee.

[c] Class C items shall consist of materials peculiar to one or two departments which are not available from the Purchasing Agent's store of goods, such as tax receipts, assessment rolls and vaccines. Such items will normally be purchased by the department head with the approval of the governing committee. All items must be purchased with a Green Lake County purchase order.

[d] Class D materials consist of those items of value in excess of \$2,000 peculiar to a specific department. These items may be purchased with committee approval after being submitted to the bid procedures established by the Property and Insurance Committee for this type of purchase.

[e] Class E items shall consist of all small equipment not associated with office operations, such as floor cleaner, vacuums, lawn mowers, etc., and shall be purchased the same as Class B items.

[f] Class F items shall consist of services (hotel/motel reservations), training and seminar registrations. Requests for the same will be forwarded to the Purchasing Agent in a timely manner.

[g] Class G items shall consist of information technology resources: the aggregate of computing hardware, software, network devices, central and distributed processing resources, wireless devices, data communications equipment, digital devices, licenses, maintenance/support, network circuits, other technologies that will evolve, and the policies and procedures governing them. (Also refer to Ordinance No. 375-88,<sup>14</sup> Appendix I, IT Policy.)

[2] Only Class A items will be a part of the Purchasing Agent's budget for payment; all other classes will be paid for by the specific department using those items.

[3] The Purchasing Agent reserves the right to accept or reject any or all options, bids or proposals, to wave any technicality or error in any bid or part thereof submitted, and to accept any bid or option, or combination thereof, in whole or in part, which is deemed to be in the best interest of Green Lake County and the needs of the department for which the purchase is made.

(b) Forms.

[1] For the purpose of ordering frequently used items, a multi-use form will be furnished by the Purchasing Agent to each department. When prepared, the department will make three copies, forwarding two copies and retaining a control copy. The original will serve as a permanent file record and the first copy will serve as a transmittal and inventory record.

[2] Special requisition items will be ordered by use of a Green Lake County requisition form furnished by the Purchasing Agent. The form will be in duplicate, with the original being forwarded to the Purchasing Agent and a copy being retained by the originator of the request.

[3] Purchase order forms will be designed and stocked by the Purchasing Agent in a manner to serve Green Lake County's needs.

(c) Gratuities. The Purchasing Agent shall not solicit or accept for him/herself or another person any gift, campaign contribution, gratuity, favor, service, promise of future employment, entertainment, loan or any other thing of

monetary value from a person who has or is seeking contractual or other business activities from or which are regulated by the County.

(d) Disposal of unsuitable or unusable property.

[1] Departments which have equipment or supplies that are regulated by this chapter which have become unsuitable or unnecessary to their needs and which are not to be traded in or applied on any purchase shall, upon request of the Purchasing Agent, report such fact, with a description of such equipment or supplies. Upon receipt of such notice the Agent shall canvass other County departments to determine whether the items or supplies may be used by them. If such items or supplies are not needed by any County department, they may then be sold by the Agent on open market at the price to be established by the Property and Insurance Committee or under competitive bids, whichever method is deemed most advantageous to the County.

[2] The Purchasing Agent shall report the disposition of any such equipment or supplies to the supervising committee and to the department concerned..

- (5) The Committee shall oversee the County's insurance needs for~~provide:~~
- a. public liability and property damage insurance, either through commercial companies or by self-insurance created by setting up a fund for such purpose or by a combination thereof, covering, without exclusion because of enumeration, motor vehicles, malfeasance of professional employees, maintenance and operation of County highways and parks, and any other activities involving the possibility of damage to the general public;
  - b. ~~provide~~ fire and casualty insurance for all County property;
  - c. ~~provide~~ health, life, and disability insurance for County employees as appropriate;
  - d. ~~provide for~~ the protection of the County and the public against loss or damage resulting from the act, neglect, or default of County officers, department heads, and employees; and

~~contract for and procure bonds or contracts of insurance to accomplish that purpose, either from commercial companies or by self-insurance created by setting up a fund for that purpose or by a combination thereof, provided, however, that any~~

Any plan for self-insurance under this subsection shall be specifically approved by the County Board before it may be commenced.

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(6) The Committee shall have the responsibility for arranging for the printing of public notices, County Board proceedings, and any other printing required by County ordinance, except for the printing of notices, etc., that are the special concern and responsibility of other committees of the County Board or departments of County government.

C. The Property and Insurance Committee will appoint a Loss Control Subcommittee, and this Subcommittee shall administer and support the Insurance Loss Control Program of the County in coordination with the County Clerk, who shall serve as the Safety Coordinator/Risk Manager. Additional guidance to this Subcommittee shall be provided by loss control specialists provided by the County's insurance providers at no cost to the County. Subcommittee meetings shall be held at such intervals as are deemed necessary to properly carry out the several functions of the Subcommittee, but at least quarterly. Such meetings shall be duly noticed in accordance with open meeting law and shall keep minutes and post and agenda.

**Commented [KD39]:** Under the recent Appleton School District Case, any committee created by government entity by rule is subject to open meetings laws. Therefore the loss control committee must have an agenda post it and keep minutes. It needs to be open to the public. The other option is to remove the Loss Control committee as a subcommittee and have it be a stand-alone, non-county board committee and therefore it would not be subject to the new WI Supreme Court ruling.

§ 9-~~37~~36. Land Use Planning and Zoning Committee.

A. The Land Use Planning and Zoning Committee shall consist of five Supervisors appointed by the County Board Chair and confirmed by the County Board for a two~~one~~-year term or until a successor has been appointed and confirmed.

B. It shall be the purpose of the Land Use Planning and Zoning Committee to promote the public health, safety, convenience, and general welfare; to encourage planned and orderly land use development; to recognize the needs of agriculture, forestry, industry, and business in future growth; to encourage uses of land and other natural resources which are in accordance with their character and adaptability; to preserve wetlands; to conserve soil, water, and forest resources; to protect the beauty and amenities of landscape and man-made developments; to provide healthy surroundings for family life; and to promote the efficient and economical use of public lands.

C. The Land Use Planning and Zoning Committee shall be the governing committee for the ~~following~~:

- ~~(1) Land Use Planning and Zoning Department.~~
- ~~(2) County Surveyor/Land Development Director.~~
- ~~(3) Zoning.~~
- ~~(4) Land Information Specialist.~~

**Commented [KD40]:** The County Surveyor/Land Development Director positions were separated in 2016. "Zoning" is included in the Land Use Planning & Zoning Department.

D. The Committee shall be responsible for developing a long- and short-range comprehensive land use plan for all unincorporated areas of the County.

**Commented [KD41]:** Isn't the Land Information Specialist part of the Land Use Planning & Zoning Department and reports to the Director of that Department, or is it a separate department that reports to the County Administrator? According to the Website, there isn't a Land Information Department.

E. The powers and duties of the Committee shall be as specified by Green Lake County Ordinances Chapter **350**, Zoning, Chapter **338**, Shoreland Protection, Chapter **315**, Land Division and Subdivision, Chapter **300**, Floodplain Zoning, Chapter **334**, Sewage Systems, Private, and any other ordinance deemed necessary by the County Board. The Committee shall assist in the implementation of the enforcement of the Farmland Preservation Plan and any other plan(s) as deemed necessary by the County Board and shall further have the responsibilities delegated to it by said ordinances in relation to the Green Lake County Zoning Maps, together with such other powers and duties as are specified in §§ 59.69, 59.692, 87.30 and 281.31, Wis. Stats., as well as any other sections of the statutes relating thereto and affecting the general area of responsibility of the Committee as set forth herein and any further duties and responsibilities as may be designated from time to time by the County Board.

§ 9-~~38~~37. Commission on Aging.

A. The Commission on Aging shall consist of five members appointed by the County Board Chair Administrator and confirmed by the County Board. No more than one member shall be an elected County official, but the elected official shall have an alternate appointed to serve in the absence of the elected official. Members shall serve for terms of three years, so arranged that, as nearly as practicable, the terms of 1/3 of the members shall expire each year, and no member may serve more than two consecutive three-year terms. At least 51% of the members of the Commission shall be senior citizens, 60 years of age or older.

**Commented [KD42]:** Wis stat. §46.82(4)(a)2. Provides that the county administrator appoints with Board approval.

B. The Chairperson of the Commission shall be appointed by the County Board Chair.

C. The duties and powers of the Commission are as prescribed in Green Lake County Ordinance Chapter **19**, Article **I**, Commission on Aging.

**Commented [KD43]:** This ordinance needs to be amended

D. A meeting of the Commission on Aging shall be held as required at a time and place as advertised by the Commission. Special meetings shall be held as determined necessary by the Commission or its Chair and shall be duly advertised.

§ 9-~~39~~38. Land Conservation Committee.

A. The Land Conservation Committee shall consist of six members, five of whom shall be ~~appointed~~ from the County Board County Agriculture-Extension Education and Fair Committee, with the sixth member to be the Chair of the County Agricultural Stabilization and Conservation Committee created under 16 U.S.C. § 590h(b) or other member of that latter committee designated by its Chair. ~~The five members appointed from the County Board shall be Supervisors~~

~~elected to the County Agriculture-Extension Education and Fair Committee and shall serve concurrent terms on both Committees. Committee members shall serve for a two-year term or until a successor has been elected or appointed.~~

**Commented [KD44]:** Redrafted so it wasn't so wordy.

- B. If a member of the Agriculture-Extension Education and Fair Committee declines appointment to this Committee, the County Board Chair shall appoint a replacement from the remaining County Board Supervisors. Section 92.06, Wis. Stats., requires that at least two members shall be Supervisors elected to the County Agriculture-Extension Education and Fair Committee.
- C. The Land Conservation Committee shall have those powers, duties, and responsibilities as designated by the County Board and § 92.07, Wis. Stats., and may develop and adopt standards and specifications for management practices to control erosion, sedimentation, and nonpoint-source water pollution.
- D. The Committee may allocate and distribute federal, state, and County funds made available for cost-sharing programs and other incentive programs.
- E. The Committee shall encourage research, educational and informational public service programs and advise the University of Wisconsin system on educational needs.

§ 9-~~4039~~. Administrative Committee.

A. The Administrative Committee shall consist of the following members: the County Board Chair, County Board Vice-Chair ~~and the Supervisor not elected to an elected committee,~~ and the remaining members of the Committee shall be from the unrepresented elected committees and elected by the unrepresented committees. The County Board Chair ~~is to act as~~ shall be the Chair of the Committee ~~and~~; the County Clerk acts as Secretary to the Committee. Committee members shall serve for two years or until a successor has been elected or appointed.

**Commented [KD45]:** With having only three elected committees there will be more than one member not elected to an elected committee, so I deleted that clause in the sentence. The remaining members will be from the unrepresented committees.

- B. ~~The Administrative Committee will be the supervising committee for the following elected and appointed officials: County Clerk, County Treasurer, Register of Deeds and Corporation Counsel.~~
- C. The Committee shall review and recommend to the County Board the salaries for elected officials, constitutional officers and the County Board of Supervisors.
- D. A regular meeting of the Administrative Committee shall be held at least quarterly at a time and place as advertised by the Committee. Special meetings shall be held as determined necessary by the Committee and shall be duly advertised.

**Commented [KD46]:** The corporation counsel is an appointed position, not elected so the sentence needed to be changed to reflect that.

E. The powers, duties, and responsibilities of the Administrative Committee shall be as follows:

- (1) The Administrative Committee shall review and recommend policy, not otherwise vested in other County Board committees, to the County Board, represent the County's point of view on legislation affecting Green Lake County and consider matters not specifically assigned to other committees.
- (2) The County Board Chair and Vice Chair shall act as the Inter-county Coordinating Committee (ICC) and; any other member of the Administrative Committee can act as an alternate.
- (3) When the County Board Chair becomes ill and/or incapacitated and the Vice Chair assumes the duties for over 30 days, the Administrative Committee may authorize the Vice Chair to receive an amount of compensation equal to the County Board Chair's pay. The Chair will also receive the pay.
- (4) As per § 59.15, Wis. Stats., the Administrative Committee shall review situations of any Supervisor who refuses or neglects to perform any of the duties which are required of the Supervisor by law as a member of the Board, and the Administrative Committee may recommend to the County Board forfeiture as allowed by statute.

§ 9-~~41~~40. Information Technology Committee.

- A. The Information Technology Committee shall consist of five members appointed by the County Board Chair for a ~~one~~two-year term and approved by the County Board. The Committee shall be made up of three County Supervisors and two members at large.
- B. The Committee shall set criteria for computer hardware and software, fee structures for information management, standards for employee computer usage, education, and security and coordinate inter-department computer relations and communications (network).
- C. The Committee will be the governing committee for the Information Technology Department and develop policy and procedure for its operations and acquisition and redistribution of hardware and software.
- D. The Committee will develop a five-year computer operations plan which will be reviewed and updated yearly.

Article IV. Committees Generally

§ 9-4341. Committee membership and vacancies.

Committee membership shall terminate during a term of office by reason of death or such illness, accident, or other infirmity as shall, in the judgment of the County Board Chair, incapacitate such member from performing his/her committee duties; provided, however, that such decision shall be reviewed by the County Board at its next meeting. Committee membership shall also terminate upon the resignation of the Supervisor or vacating of his/her office due to change of residence, failure to be re-elected, or any other cause under Wisconsin Statute.

§ 9-4442. Monthly committee reports.

~~Within the~~At the discretion of the County Board Chair, there shall be a roll call of the committees at each County Board meeting when possible ~~in view of the other activities and responsibilities of the Board,~~ at which time ~~its~~the committee Chair shall make a brief report to the County ~~Board as limited in time by the same.~~ Such~~The~~ report shall cover the ~~detailed~~ activities of the committee during the previous month and any other related matters. ~~Following such a report, Supervisors may question the Chair and committee members regarding the report~~

**Commented [KD47]:** I took this out because I believe it may be a violation of the open meetings laws to ask questions because we would not know what the topic would be and the public has a right to know in advance.

§9-43 – 9-59 Reserved.

Article V. Ethics

**Commented [KD48]:** I suggest that the Board adopt an ethics ordinance governing the Board, employees and local public officials.

§9-60 Authority. Authority for this Ethics Ordinance derives from Wis. Stat. §19.59(1m).

§9-61 Statutes Incorporated

A. The following sections of the Wisconsin Statutes, as amended from time-to-time are incorporated by reference and made a part of this Ordinance: §19.01, §19.21, §§19-81-19.98, §19.59 and §§946.10-946.18.

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B. Board members shall comply with the sections of the Wisconsin Statutes incorporated in this Ordinance and failure to do so shall constitute a violation of this Ordinance.

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§9-62 Declaration of Policy

The proper operation of democratic government requires that public officials and employees be independent, impartial and responsible to the people; that public office not be used for personal gain; and that the public have confidence in the integrity of its government. In recognition of these goals, this Ordinance applies to all officials and employees of the county, whether elected or appointed, and to members of county boards and commissions. The purpose of this Ordinance is to establish guidelines for ethical standards of conduct for all such officials and employees by setting forth those acts or actions that are incompatible with the best interests of the county and by directing disclosure by such officials and employees of private financial or other interests in matters affecting the county. Nothing contained in this Ordinance is intended to deny to any individual the rights granted by the United States Constitution, the state constitution, the laws of the state, or the rights stated by labor agreements negotiated with certified employee bargaining representatives, or the rights accorded individuals by virtue of resolutions or ordinance of the county board or by any other provision of law.

The proper operation of county government demands that:

- Green Lake County officials and employees be independent, impartial and responsible to the people;
- Decisions be made in the proper channels of the county governmental structure;
- County offices should not be used for personal gain; and,
- County business should be conducted in such a way as to re-enforce the public's confidence in its integrity.

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#### **§9-63 Purpose**

The purpose of this Ordinance is to establish ethical standards of conduct for all County officials and employees by identifying those acts or actions that are not compatible with the best interests of the County. Because representatives of the County are drawn from society, they cannot and should not be without all personal and economic interest in the decisions and policies of government. Citizens who are appointed to serve as County officials and employees retain their rights as citizens to personal and economic interests. Therefore, the standards of ethical conduct for County officials and employees must distinguish between minor and inconsequential conflicts which are unavoidable and those conflicts which are substantial and material. The provisions of this Ordinance, and such rules and regulations that may be established, are to be interpreted in the context of the above principles and are deemed to be in the best interest of the public.

§9-64 Applicability. This Ordinance applies to every county official and employee.

#### §9-65 Definitions

In this Ordinance, the following words, terms and phrases, when used in this Ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Advisory opinion means an interpretation requested by an official or employee and issued by the Ethics Board regarding the propriety of any matter to which the official or employee is or may become a party.

Anything of value means any money or property, favor, gift, service, payment, advance, forbearance, loan, or promise of future employment, including without restriction by enumeration, tickets, passes, lodging, travel, recreational expense, and admission offered and provided by persons doing business, or interested in doing business, with the county. Anything of value does not include such things as compensation and expenses paid by the state or county, political contributions that are reported under Wis. Stats. ch. 11, occasional meals and beverages, fees, honorariums and expenses, unsolicited advertising or promotional material such as pens, pencils, note pads, calendars, informational or educational materials of unexceptional value, plaques, or other advertising giveaways, hospitality of nominal value or extended for a purpose unrelated to county business, business related seminars, trade shows or other training related activities or any other thing which is not likely to influence the judgment of individuals covered by this Ordinance.

Contract means all agreements executed between the county or a sub-unit thereof and another party or parties for the provision of goods, materials, supplies, construction, or services in exchange for valuable and sufficient consideration.

Employee means all persons filling an allocated position of county employment and all members of boards, committees, and commissions except members of the county Ethics Board and those individuals included in the definition of official.

Family means any individual related to a public official as spouse, parent, child, sibling, grandparent, grandchild, parent-in-law, sibling-in-law and step relations of the above, or a legal designee for tax purposes.

Financial interest means any interest that shall yield, directly or indirectly, a monetary or other material benefit to the official or employee or to any person employing or treating the services of the official or employee.

Immediate family means an official or employee's spouse or family member who contributes more than half the support of the official or employee or receives that level of support from the official or employee.

Official means all county department heads or directors, county supervisors, and all other county elected officers, except judges and district attorneys.

Person means any natural person, corporation, partnership, proprietorship, firm, enterprise, franchise, association, organization, joint venture trust, or other legal entity recognized as such by the laws of the State of Wisconsin.

Personal interest means any interest arising from blood or marriage relationships or from close business or political associations, whether or not any financial interest is involved.

Privileged information means any written or oral material related to county government which has not become part of the body of public information and which is designated by statute, court decision, lawful orders, ordinances, resolution or custom as privileged.

#### **§9-66 Responsibility of Public Office**

A. County officials and employees are agents of public purpose and hold office to serve the public interest. They are bound to uphold the Constitution of the United States, the Constitution of the State of Wisconsin and to carry out efficiently and impartially all laws of the United States, the State of Wisconsin and Green Lake County.

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B. Each is bound to observe in their official acts; the standards of ethics set forth in this Ordinance, State Statutes and faithfully discharge the duties of their office in the highest standards of morality and regardless of personal considerations, recognizing that the public interest must be their primary concern. Their conduct in both their official and private affairs should be above reproach to foster respect for all government.

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#### **§9-67 Role of a County Supervisor**

A. The Green Lake County Board of Supervisors is a 19-member team responsible for the ensuring that the County is properly managed by planning, implementing policy and making decisions where the Board of Supervisors has reached agreement in a regular or special session. Members of the Board of Supervisors act on behalf of and for the welfare of the people in their respective districts and for the benefit of the County as a whole.

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B. Individual Supervisors exercise the authority and responsibility of their position only when the Board of Supervisors is in session, but the public regards the person as a member of the Board of Supervisors 24-hours a day.

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The Supervisor's own interest and desire to serve the community through membership in the Board of Supervisors continues even when the Board of Supervisors is not in session. An individual Supervisor has no authority and cannot speak for the Board of Supervisors (with the exception of the Chair in certain situations), but the public has the right to expect the member to be able to discuss the County's matters with understanding. All Supervisors have the right to access any information that makes it possible for them to be informed about the County's affairs.

C. The Board of Supervisors can only transact business that is legally binding on the County when the Board of Supervisors is in regular or special session with a quorum present, or at officially designated Committee meetings of the Board of Supervisors, and its proceedings duly recorded in the minutes of the meeting. Members of the Board of Supervisors shall not represent, by personal commitment, any special group, interest, or position.

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#### §9-68 Confidentiality – Disclosure of Privileged Information

A. No official or employee may use or disclose privileged information gained in the course of or by reason of his or her official position or activities in any way that could result in financial gain for himself, herself or for any other person.

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B. No official or employee shall, without lawful authority, knowingly disclose or permit the disclosure of confidential information to any person not lawfully authorized to receive such confidential information.

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#### §9-69 County Administration

A. The Board of Supervisors should avoid taking direct action in the administration of the County, thereby keeping the functions and responsibilities of its appointed officials clear to members of the public and staff.

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B. The Board of Supervisors retains full budgetary control, legislative authority and policy-making responsibility in accordance with Wisconsin State Statutes and the expressed will of the electorate, but delegates all administrative, supervisory, and instructional authority to the County Administrator under the Direction of the County Board Chair and the Administrative Committee.

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#### §9-70 Complaints from the Public

A. At times, a person or group may confront a single Board member with a problem or complaint that should be handled by management personnel. Each Board member must decide how much time one can spend on complaints and what courtesy is appropriate. The official Board of Supervisors policy is:

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"No member, nor the Board of Supervisors itself, will officially consider problems or complaints until they have been submitted to the proper administrative authority and a report by the authority is submitted to the Board of Supervisors or governing Committee, convened in legal session."

B. No member of the Board of Supervisors shall consider a complaint from any employee unless the member has determined that the complainant has gone through the normal chain of command, including the County Administrator. Employees should be directed to the Personnel Policies and Procedure Manual for the proper chain of command for complaints.

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C. Public grievances or complaints should be referred to the County Administrator or the County Board Chair. Grievances or complaints will be handled in the following order:

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1. Referred to the County Administrator who will investigate the matter along with the appropriate Department Head and who will report to the governing committee with jurisdiction over the matter.
2. Referred to the next immediate session of the Board of Supervisors for official consideration and possible action.

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D. When a Board member seeks information about a specific problem, the member should ask the County Administrator to prepare a report on the matter with the aid of staff, if necessary. No single County Board member may create a committee to investigate a complaint or grievance.

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E. If a satisfactory resolution is not achieved by this procedure, the Board of Supervisors may, if it deems advisable, grant a hearing to the person(s) interested and the hearings will be held during either a regular or special session of the Board of Supervisors.

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### §9-71 Conflict of Interest

A. Offer or acceptance of gifts. No official or employee, directly or indirectly may solicit or accept from any person, directly or indirectly, anything of value without full payment, if it could reasonably be expected to influence the

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official or employee's duties and responsibilities or a vote, official actions or judgment, or could reasonably be considered as a reward for any official action or inaction on the part of the official or employee. An item offered or received with a fair market value greater than the amount set by the State Ethics Board (currently \$25.00) shall give rise to a rebuttable presumption that the item could be reasonably expected to influence the Official or employee or be considered a reward.

1. Examples of prohibited gifts. Sporting event tickets, vacation trips, hotel stays, televisions, gaming consoles, etc., even if entered into a raffle drawing.
2. Examples of permissible gifts. Promotional items of a small value with advertising prominently displayed such as baseball caps, calendars, pens, pencils, water bottles, note pads, etc.

B. Financial and personal interest prohibited. No official or employee, whether paid or unpaid, shall engage in any business or transaction or shall act in regard to financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of the official duties in the public interest contrary to the provisions of this Ordinance or state statute or would tend to impair independence of judgment or action in the performance of official duties.

C. Incompatible employment. No official or employee shall engage in or accept private employment or render service for private interests when such employment or service is incompatible with the proper discharge of official duties unless otherwise permitted by law and unless disclosure is provided.

D. Kickbacks. No official or employee may accept payments, gifts, gratuities by, from or on behalf of a potential vendor, contractor, or subcontractor, as an inducement for selection.

E. Financial interest in Legislation. Any official or employee who has a financial interest or personal interest in any proposed legislation before the County Board or a committee shall disclose on the record of the County Board or the constituent committee the nature and extent of such interest and shall refrain from participating in the discussion of, and voting on the legislation. A member of the County Board shall request to be excluded by the Board or Committee Chair for the duration of any deliberations and voting on the legislation.

F. Contracts with the County. No official or employee shall, in a private capacity, negotiate, bid for, enter into, make or perform a contract in which the official or employee, immediate family member or any business or organization with which a Board member, employee, local public official or

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immediate family member is associated, has a direct or indirect financial interest, if the official or employee is authorized by law to participate in the official or employee's capacity as such the official or employee in the making of that contract or to perform in regard to that contract some official function requiring the exercise of discretion on the Board member's employee's or local public official's part. If the official or employee will not be involved with the contract in an official capacity, the contract may be allowed only if awarded through a process of public notice and competitive bidding in conformity with all applicable laws. This provision is intended to comply with, and in no way contradict or invalidate the guidelines in Wis. Stat. §946.13.

### **§9-72 Fair and Equal Treatment**

- A. No official or employee shall grant any special consideration, treatment or advantage to any person beyond which is available to every other person. This section does not affect the duty of County Board Supervisors to diligently represent their constituency.
- B. No official or employee shall request or permit the unauthorized use of county owned vehicles, equipment, materials, privileged information or property for personal convenience or profit, unless those services or use are available to the public generally.

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### **§9-73 Email**

- A. Each Board member will be provided with a county email account. While no Board member is required to conduct county business by email, a Board member who does so is required to use the county email account for all communications that pertain to county business.
- B. A Board member may communicate with other Board members by email for setting a meeting time, place and agenda; but a Board member should not engage in any substantive discussion of county business with any other Board member by email.
- C. These standards apply to all members of county governmental bodies.

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### **§9-74 Use of Technology During Board and Committee Meetings**

- A. Cellular Phones

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1. Unless a Board member is expecting a call on an important matter, e.g. sick family member, impending birth of a child; all cellular telephones shall be turned off during meetings. "Turned off" means powered off and does not include "airplane" or "flight" mode.

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2. If a Board member is expecting a call on an important matter,

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a. The Board member shall inform the Chair before the meeting is called to order.

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b. The cellular telephone shall be placed on vibrate.

c. Cellular phones in vibrate mode shall not be placed on the Board member's workstation as the vibration will cause noise and disrupt the meeting.

3. If a Board member must take a call on an important matter during a County Board meeting, he shall mark himself absent, and immediately leave the County Board Room or meeting room before answering the telephone call.

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4. In no instance shall any Board member answer a cellular telephone call while present in the County Board Room with the Board is in session.

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5. In no instance shall any Board member answer a cellular telephone call while present in a committee meeting.

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#### B. Smart Phones

1. Smart phones may remain powered on during meetings; however, the rules for receiving telephones in paragraph A.1. above apply. "Airplane" or "flight" mode may be used.

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2. Smart phones may be used to read and review meeting materials, and access information pertinent to the items being discussed at a meeting.

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3. All notifications/alerts (audible and vibrating) for phone functions shall be turned off during meetings, e.g. incoming calls, text message, emails, SMS messaging, etc.

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4. Smart phones shall not be used during Board and Committee meetings to surf the web (except as stated in paragraph "2" above), email, engage in instant or text messaging of any kind or to engage in non-county related business.

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#### C. Laptops, Tablets, iPads, and other computing devices

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1. Laptops, tablets, iPads or other computing devices may be used during Board and Committee meetings to read and review meeting materials, and access information pertinent to the items being discussed at a meeting.

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2. Laptops, tables, iPads or other computing devices shall not be used during Board and Committee meetings to surf the web (except as stated in paragraph "1" above) email, engage in instant or text messaging of any kind or to engage in non-county related business.

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D. Email, Instant or Text Messaging

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1. All communications between Board members during a County Board or Committee Meeting shall be completed verbally. Exceptions to this rule may be made in the case of a disability where the Member is unable to communicate by using his voice due to illness, injury or disability.

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2. A Board member shall not engage in any email, instant messaging or text messaging during any Board or Committee meeting with County employees.

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E. Definitions. For the purpose of this section:

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1. "Email" means a system for sending and receiving messages electronically or over a computer network via telecommunication links between computers, terminals, smart phones, or other electronic devices capable of sending email. Also, a message or messages sent or received on such a system.

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2. "Instant Messaging" means real-time direct text-based chatting communication between two or more people using personal computers or other devices.

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3. "Text Messaging" means the exchange of brief written messages between a fixed-line phone or a mobile phone and a fixed or portable device over a network.

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§9-75 Ethics Board. This ethics ordinance hereby creates an Ethics Board.

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A. Membership. The Ethics Board shall consist of [# of members]. The members shall be [make up of members]. The [County Administrator or County Clerk] shall provide necessary staff assistance to the Ethics Board.

**Commented [KD49]:** The make-up of the Ethics Board should be at least 3 members. Other counties have seven members, probably in case one of the member has to recuse themselves. Some counties have all citizen members, others have the chair and vice-chair and the county clerk. Others have retired judges or attorneys serve. The only requirement should be that the members be county residents. The committee should decide on what the membership should be.

B. Appointment and term. The County Board Chair shall appoint members of the Ethics Board subject to the confirmation by the Board of Supervisors, and terms of office shall be [# of years].

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C. Powers and duties. The Ethics Board shall be responsible for investigating complaints and conducting hearings under this Ordinance. The Ethics Board will interpret the County Code of Ethics consistent with interpretations handed down by the State of Wisconsin Ethics Commission or its successor boards or commissions.

**Commented [KD50]:** Some counties have two year terms, others have three year staggered terms. The committee will have to decide the term.

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D. Assistance of Counsel. The Corporation Counsel shall furnish the Ethics Board whatever legal assistance is necessary to carry out its functions. The Corporation Counsel may retain outside counsel to provide this assistance as necessary. In all other sections of this Ordinance where the term corporation counsel is used, it shall include any counsel retained by the corporation counsel under this section.

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E. Open meetings. The Ethics Board is subject to Ch. 19 Wis. Stats. and shall comply with all open meetings statutes.

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## §9-76 Investigations and Enforcement, Procedure

### A. Complaints.

1. All complaints shall be verified and in writing. The complaint shall state the specific provision(s) of the county ethics code or Wisconsin Statute section(s) or both believed to have been violated and shall include sufficient information to support the allegations.

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2. The complaint shall also include the following

a. The name, address and telephone number of the complainant;

b. The name, address and position of the individual who is the subject named in the complaint;

c. The facts constituting the alleged ethics violation(s) set forth clearly and in detail;

d. If complainant(s) believe that any board member has a conflict of interest or bias, the complaint shall state it in the complaint.

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3. Complaints that do not meet the minimum pleading requirements in sections 2.a. and b. above shall be dismissed without prejudice.

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4. No action may be taken on any complaint that is filed later than 12 months after a violation of the ethics code is alleged to have occurred.

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5. All written complaints shall be submitted to the County Clerk, 571 County Road A, Green Lake, WI 54941. The County Clerk shall forward the complaint to the chair of the Ethics Board and the corporation counsel. The complaint is a public document.

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B. Preliminary Procedure: Notice

1. The corporation counsel shall review the complaint to assure that it meets all procedural and technical requirements. If the complaint is defective, the corporation counsel shall notify the complainant of the defect within 10 days of receipt of the complaint. The complainant must correct the defect within 30 days of the corporation counsel's notification or the complaint will be administratively closed.

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2. The Corporation Counsel shall send notice, including a copy of the complaint to the respondent(s) and complainant within seven (7) business days of the receipt of the complaint by the chair. The notice shall be sent via certified mail or by personal service.

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3. The notice shall inform the respondent that they may file a written statement of their position with the Ethics Board within 10 business days of the date the notice was sent.

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4. The respondent may request that any hearing be held in open session.

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5. The corporation counsel shall contact the members of the Ethics Board to schedule a probable cause hearing.

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C. Investigations and Powers. Pursuant to any investigation or hearing conducted under this ethics ordinance, the Ethics Board has the authority to:

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1. Require any person to submit in writing such reports and answers to questions relevant to the proceedings conducted under this Ordinance as it may prescribe, such submission to be made within such period and under oath or otherwise as the Ethics Board may determine.

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2. Administer oaths and require by subpoena issued by it pursuant to Wis. Stat. §885.01, the attendance and testimony of witnesses and the production of any documentary evidence relating to the investigation or hearing being conducted.

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3. Order testimony to be taken by deposition before any individual who is designated by it and has the power to administer oaths, and, in such

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instances, to compel testimony and the production of evidence in the manner as authorized by subsection 2. above.

4. Pay witnesses the same fees and mileage as are paid in like circumstance by the courts in Wisconsin.

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5. Request and obtain from the department of revenue copies of state income tax returns and access to other appropriate information under Wis. Stat. §71.78(4), regarding all persons who are the subject of such investigation.

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6. Retain outside counsel and other experts as needed in connection with any of the Ethics Board's responsibilities hereunder after solicitation of recommendations from the office of corporation counsel and upon such contract for services approved for content and form by the corporation counsel.

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#### D. Hearings

1. Procedure; burden of proof. All hearings conducted by the ethic board under this Ordinance are subject to the following:

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a. The burden of proof at all hearings shall rest with the complainant to prove the allegations by evidence that is clear, satisfactory and convincing.

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b. The Ethics Board shall conduct all hearings in accordance with the rules of civil procedure and shall keep a record of the hearing and all admitted evidence at the hearing. However, the common law or statutory rules of evidence do not apply. The Ethics Board shall admit all testimony having reasonable probative value, but shall exclude immaterial, irrelevant or unduly repetitious testimony. The Ethics Board shall give effect to the rules of privilege recognized by law. Basic principles of relevancy, materiality and probative force shall govern the proof of all questions of fact.

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c. All hearings shall be in closed session, pursuant to Wis. Stat. §19.85, unless the respondent requests an open hearing.

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d. The Ethics Board shall convene in closed session following any hearing for the purpose of deliberation on the evidence.

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e. All hearings shall be conducted under oath or affirmation.

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f. Corporation Counsel will direct the proceedings of the hearing.

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g. The parties may make a brief opening statement to acquaint the Ethics Board with the nature of the complaint.

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h. The parties shall be allowed to question each other and present witnesses on their behalf, consistent with the subject matter before the Ethics Board.

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i. The Ethics Board may direct questions to any party or witness.

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j. The Ethics Board may, in its sole discretion, extend the deadlines for taking action on a verified complaint or request. Failure of the Ethics Board to take action within the timeframes in this Ordinance shall not preclude the Ethics Board from pursuing a complaint.

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## 2. Initial/Probable Cause Hearing

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a. The Ethics Board shall set a time for an probable cause hearing on the complaint that is within 15 business days following the 10 business day time for response by the respondent. The probable cause hearing date shall be set prior to the notice being sent out so that the notice will include the date, time and place of the probable cause hearing of the Ethics Board regarding the complaint.

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b. At the probable cause hearing the Ethics Board shall determine if it has jurisdiction over the subject matter of the complaint and to determine fit here is a basis for the complaint. The complainant must be present. If the complainant does not personally appear, the Ethics Board may dismiss the complaint without prejudice. If the Ethics Board determines that there is no basis for the complaint, it may immediately dismiss the complaint with prejudice and without further hearing. In determining if there is a basis for the complaint, the Ethics Board must review the complaint, assuming that every allegation is true.

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c. An agenda shall be filed and posted by the County Clerk prior to the probable cause hearing and the respondent's name will not be included in the meeting notice and public access to records pertaining to the complaint shall be restricted in accordance with Wis. Stat. §19.35, unless the respondent has requested an open hearing.

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d. The corporation counsel shall send a copy of the response(s) received from the respondent(s) to the Ethics Board and the complainant(s) at least five (5) business days prior to the probable cause hearing.

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**3. Fact-Finding Hearing**

- a. If after the probable cause hearing, the Ethics Board finds that probable cause exists for believing the allegation(s) in the complaint, the Ethics Board shall schedule a fact-finding hearing not less than 30 business days after making the finding of probable cause.
  
- b. If the Ethics Board sets the matter for a fact-finding hearing, it may direct the parties to appear before it for a conference to consider:
  - (1) The clarification of issues;
  - (2) The necessity or desirability of amendments to the pleadings;
  - (3) The possibility of obtaining admissions of fact and of documents which will avoid unnecessary proof;
  - (4) The limitation of the number of witnesses;
  - (5) Such other matters as may aid in the disposition of the action.
  
- c. Upon the conclusion of the fact-finding hearing, the Ethics Board shall adjourn into closed session for deliberations. Any person not a member of the Ethics Board, including county board supervisors, shall be excluded from the Ethics Board's deliberations; however the [county clerk or county administrator] and the corporation counsel, who are charged with providing administrative and legal assistance to the board shall remain.

**E. Disposition**

- 1. Upon completion of deliberations, the Ethics Board shall issue a written decision within 10 business days from the conclusion of deliberation and may direct the corporation counsel to draft the decision for signature by the Ethics Board Chair. The decision shall be filed with the County Clerk's office and a copy sent to the complainant and the respondent.
  
- 2. If the Ethics Board determines by clear, satisfactory and convincing evidence that a violation of this ordinance has occurred the Ethics Board shall refer the matter to the proper county authority:

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a. For matters involving allegations against a county employee (non-department head); the department head and governing committee;

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b. For matters involving allegations against a department head; the County Administrator and the governing committee;

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c. For matters involving constitutional officers, e.g. County Clerk, Register of Deeds, Sheriff, Treasure or Clerk of Circuit Court; to the official or body with the authority to remove the officer from office under county ordinance or Wisconsin Statutes.

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d. For matters involving a county board supervisor; the County Board of Supervisors.

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3. If the Ethics Board does not find a violation by clear, satisfactory and convincing evidence that a violation of this ordinance has occurred, it shall dismiss the complaint.

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4. Recommendations. The Ethics Board may make recommendations to the proper authority which may include, but are not limited to:

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a. In the case of an official who is an elected county board supervisor, the County Clerk, Treasurer or Surveyor, that the county board consider sanctioning, censuring, or removing the person under Wis. Stat. §17.09(1)

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b. In the case of the Clerk of Circuit court, referring the matter to the circuit court judge to consider sanctioning, censuring, or removing the Clerk of Circuit Court under Wis. Stat. §17.09(2).

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c. In the case of the Sheriff, coroner or Register of deeds, referring the matter to the Governor for sanctioning, censuring, or removal under Wis. Stat. §17.09(3).

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d. In the case of an employee, referring the matter to consider discipline, up to and including discharge of the employee.

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e. The return of county property or funds or gifts and/or restitution for the value of the gifts, property and funds procured, obtained or retained as a violation of this ethics ordinance. An order for return/restitution shall include a deadline for return or making restitution.

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f. An order requiring the accused to conform his or her conduct to this Ordinance.

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g. An order requiring an individual who has been determined to have violated this ethics ordinance to forfeit an amount not less than \$100 nor more than \$1,000 for each offense along with a payment deadline.

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h. Referral to the District Attorney to commence enforcement and penalties as permitted by Wisconsin Statutes.

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5. No recommendation of the Ethics Board becomes effective until 20 days after it is issued or while an application for rehearing or rehearing before the Board is pending, or the Board has announced its final determination on rehearing.

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#### F. Review

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1. Any party appearing before the Ethics Board who is dissatisfied with the decision may request a review.

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2. The review is initiated by filing a written request with the county clerk within 15 days of the Ethics Board's written decision or as required under the grievance procedure in a collective bargaining agreement. The filing of an appeal shall stay any recommendations issued by the Ethics Board. The appeal shall be to the County Board and shall be heard at the next regularly scheduled County Board meeting.

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#### G. Violations

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1. It is unlawful for:

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a. A person to violate any provision of this Ordinance or State Statutes incorporated herein.

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b. Any person to file a complaint for the purpose of harassment, knowingly provide false information, make a false statement, or fail to provide or misrepresent any material fact to a county agent, board, commission, committee, department, employee, officer, or official acting in an official capacity under this ordinance.

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c. A person to disobey, fail, neglect, or refuse to comply with or otherwise resist an order issued pursuant to this Ordinance.

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#### H. Penalties.

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1. Any official or employee violating the provisions of this Ordinance shall be subject to a non-reimbursable forfeiture of not less than \$100 nor more than \$1,000.

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2. The minimum forfeiture specified in this section is doubled for a person who is convicted of violating the same provision of this Ordinance within a 24-month period.

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3. A separate offense is deemed committed on each day that a violation occurs or continues.

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4. The enumerated penalties and sanctions in this section shall not be construed to limit the authority of the Ethics Board or the county from imposing any additional penalties or sanctions. Any person found by the Ethics Board to have violated any portions of this Ordinance shall be subject to private reprimand, public reprimand, denial of salary or merit increase, suspension without pay, removal from employment or office in accordance with Wisconsin Statutes or other disciplinary actions pursuant to the recommendations of the Ethics Board or judgment of the official or body to whom the decision of the Ethics Board is referred under this section. Any action taken by an official or employee that is deemed in violation of this section may be deemed void by Green Lake County.

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5. Any other recommendations or others as may be necessary and appropriate to carry out the intent and purpose of this Ordinance

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**§9-77 Advisory Opinion**

A. Anyone who is subject to this Ordinance may request an advisory opinion from the Ethics Board on any matter relating to their official duties by submitting a written request to the office of the corporation counsel, but a request should be made only after the person has given the question careful consideration.

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B. The request should:

1. Clearly and fully state the question presented for an opinion.

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2. Fully state the facts giving rise to the question presented.

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3. Identify any information that the requestor is aware of that is relevant to the question presented. This includes identifying any specific administrative codes, guidelines, ordinances, regulations, or statutes

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that are relevant and any authorities or other sources that have been consulted and the responses received.

C. The corporation counsel shall forward a copy of the request within five (5) days of its receipt.

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D. The Ethics Board shall convene to consider the request within 30 days of the date it is forwarded by the corporation counsel. The Ethics Board will convene in open session, but its consideration of the request will take place in a closed session. The Ethics Board shall provide a written opinion within 20 business days and may direct the corporation counsel to prepare the advisory opinion for signature by the Ethics Board's chair.

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E. The request for an advisory opinion, the record of the Ethics Board's proceedings, and the advisory opinion are deemed confidential and shall not be made available for public inspection, but may be made public with the consent of the person who made the request.

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F. The Ethics Board may provide a public summary of any advisory opinion provide that the summary does not disclose the identity of the person who requested the opinion.

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G. A person who receives an advisory opinion shall be guided by the opinion rendered.

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§9-78 Title. This Ordinance shall be known as the "Green Lake County Ethics Ordinance."